

D. J., a minor by Raven Patrick, his duly appointed Next Friend, and RAVEN PATRICK, Individually,

)

)

SAINT LOUIS UNIVERSITY, SSM
HEALTH CARE ST. LOUIS and
UNITED STATES OF AMERICA,

)

3. Plaintiffs have agreed to execute a Release of all Claims and Indemnity Agreement which will be tendered to the Court for review.

4. The Minor Plaintiff is disabled and requests the Court intervention to establish a “Special Needs Trust” which will be filed with the Court for review and approval.

5. Plaintiffs request an Order from this Court finding that the settlement is fair and reasonable, entered into in good faith, that the allocation of proceeds between the adult and minor plaintiffs is fair and reasonable, establishing a Special Needs Trust, approving any annuities to be purchased for the plaintiffs, and ordering the adult plaintiff to complete the settlement pursuant to the terms of the Release and the Court’s order including payment of legal fees and expenses.

B. MEDICAL LIEN ADJUDICATION

6. The Minor Plaintiff has received care from a variety of health care providers and institutions including SSM St. Mary’s Health Center and SSM Cardinal Glennon Children’s Hospital.

7. The medical bills from the health care providers which have treated the Minor Plaintiff reflect payments made by or on behalf of Missouri Medicaid, Missouri Healthcare Plan, Missouri Department of Social Services, WellCare, and First Recovery Group. The Minor’s identification is as follows: DCN: 64420181; DOB: 02/07/2013; SSN: ***-**-5122; DOI: 02/07/2013; FRG#528017-116714.

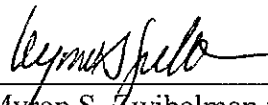
8. The undersigned as Counsel for the Plaintiffs has corresponded with the known lien holders and received two lien letters identified as follows: (a) Missouri Department of Social Services, letter dated November 4, 2014 directed to the undersigned asserting a lien amount of \$8,570.95, and (b) First Recovery Group, letter dated June 12, 2015 directed to the undersigned asserting a lien of \$16,302.52.

9. This Court pursuant to RSMO 208.215.9 has the authority to evaluate all asserted and potential Missouri Medicaid liens and adjudicate them.

10. The undersigned as counsel for the Minor Plaintiff will serve a copy of this Motion and Notice of Hearing to Missouri Medicaid, Missouri Healthcare Plan, Missouri Department of Social Services, WellCare, and First Recovery Group, and the Missouri Attorney General's Office.

11. The Plaintiffs request an Order of this Court establishing the amount of all valid liens that may attach to this settlement with SSM and SLU and ordering payment of those liens and discharging Plaintiffs, their counsel, Defendants SSM and SLU and their counsel from further obligations for medical liens incurred to date.

WHEREFORE, Plaintiffs move this court for an order approving the settlement, establishing the Special Needs Trust, and adjudicating the liens.



Myron S. Zwibelman #21522MO
WALTHER/ZWIBELMAN LAW ASSOCIATES
230 S. Bemiston Ave., Ste. 500
St. Louis, MO 63105
Telephone: 314-725-9595
Fax: 888-851-4940
mzwib@wzlawassociates.com

/s/ Todd Nissenholtz
Todd Nissenholtz, #55049MO
COFMAN TOWNSLEY, P.C.
200 South Hanley Road, Suite 1070
St. Louis, MO 63105
Phone: (314) 621-2005
FAX: (314) 621-3118
Email: tn@cofmantownsley.com

Certificate of Service

I hereby certify that on 27 day of July, 2015, the foregoing was filed using the court's electronic filing system and that a copy was mailed postage prepaid via the US Mail to the following persons / entities regarding any liens they may wish to assert invoking the minor plaintiff, D.J. with a DOB of 2-7-2013 and SSN of xxx-xx-5122:

First Recovery Group, LLC
For "Wellcare"
Attn: Stephen Snabb, Attorney
26899 Northwestern Hwy, Suite 250
Southfield, MI 48033

Missouri Department of Social Services
And Missouri Healthnet
Third Party Liability Unit
P.O. Box 6500
Jefferson City, MO. 65102-6500

Missouri Department of Social Services
% Chris Koster
Missouri Attorney General's Office
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

